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PRESIDENTIAL ELECTIONS BY DIRECT POPULAR VOTE.

BY JOHN HANDIBOE.

ONE of the most interesting problems which have confronted the American political student during the past twenty years is: Shall the President of the United States be elected by direct popular vote? Custom and tradition, the arch-enemies of reform, oppose the innovation, and deceive the public mind with the error-preserving assertion that "what was good enough for our fathers is good enough for us." Few things that were good enough for our fathers are now worthy to remain in actual use; for, as evolution, like revolution, never goes backward, few things capable of improvement have remained unimproved. With everything else of practical utility bettered, with everything which time and usage have shown to be unsuited to present conditions and needs satisfactorily adjusted to them, it must be that the political and governmental regulations which arose out of the necessity of the past will be remedied in so far as they fail to meet in the best way the exigencies of to-day. There must be improvement in political relations, as well as scientific or mechanical affairs, or men cannot derive from the general advancement all the benefit they have a right to expect.

It is the purpose of this article to show that, though there has been improvement, in the past century, in the method of selecting Presidential nominees and in electing candidates, the improvement stopped short of its logical goal; and to illustrate the inequalities and crudities of the law as it has come down to us.

The men who framed the Constitution, while wise in many things pertaining to government and political relations, knew nothing about the election of a President, and were at a loss to

determine how that should be done. It was at first suggested that an executive of three men should be established, one from the East, one from the Middle States, and one from the South, as it was feared a single executive could not care properly for the interests of a section of the country to which he was a stranger. After considerable debate, a single executive was decided upon; and then came the question of how he was to be elected. It was agreed that he should not be elected by popular choice, because, the Constitution-makers believed, the country was "too large," and the people were "too ignorant" to be entrusted with such an important business; and it was feared that with the growth of the country a time would come when there would be no man of reputation sufficiently national to make him a desirable nominee, so that the people would be unable to agree upon any man for the office. It was decided that Congress should elect the President, who should serve for seven years and be ineligible for re-election. This plan, however, was not well received by the leading spirits of the country, because Congress had the power both of election and impeachment, and it was feared the President would become its creature. The arguments against the plan had weight with the makers of the Constitution. They, therefore, rescinded that method and substituted another, which fixed the Presidential term at four years and made the executive eligible to re-election. But the idea of popular elections was still repugnant; and, to prevent these, and still keep Presidential elections out of the control of Congress, in obedience to public demand, the idea of choice by Electors was evolved and adopted.

The States were empowered to appoint Electors, as the Legislature of each State should direct; and the Legislatures of the several States, therefore, appointed Electors. These Electors were clothed with sole power to select a fit man for Presidential candidate and to vote for him, the Electors of each State voting independently, without regard to the candidates or the vote of the electors of other States. The Electors of all the States voted on the same day, however, each Electoral body in its own State, the design in this being to prevent the Electors of all States coming together under practically the same influences that now control national conventions. Each Elector was master of his own actions in the choice of the Presidential candidate, and thus was relieved from the control of Congress or of political parties. This

was the law of Presidential selection and election as first definitely adopted.

But, while this law was intended to be definite, it could not be permanent. It did not give satisfaction long, the election of 1796 proving that it was possible to elect the President from one party and the Vice-President from another; and, as a consequence, though the fathers intended that no electoral vote should be pledged, and that the Electors alone should select a President, in 1800 the Republican members of Congress held a caucus for the nomination of Presidential candidates to be voted for by all Republican Electors. Jefferson and Burr being chosen, every Republican Elector voted for these candidates. The Electors were thus deprived of the power with which they had been originally clothed, and they have never recovered it. This was the first change toward popular control of Presidential elections and the conversion of State Electoral Boards into mere representatives of State pluralities.

The next change in the original plan of elections was made in 1804, when the Electors were empowered to cast two ballots, one for President and one for Vice-President. Prior to this time, one ballot, containing the names of two candidates, had been cast, the candidate receiving the greater number of votes being declared President and the other Vice-President. In this year, also, the Congressional caucus became a fixture; and, until 1824, all Presidential candidates were nominated by such caucus. In 1824, the people obtaining full control of State and local government, the State legislatures and State conventions began to make nominations, depriving the Congressional caucus of its power. At this time, also, the people began to select Electors by ballot. The new method of nominating did not give entire satisfaction, and the meeting of Protectionists in Harrisburg, in 1827, and of Anti-Masons in Baltimore, in 1831, paved the way to the popular national convention with such success that, in 1832, the Democrats and National Republicans adopted the national caucus for the nomination of candidates. The caucus, however, was a crude instrument and fell into disuse. In 1840, the national convention, nearly as we now know it, was created, and all Presidents elected since that time have been nominated by national conventions of the nominating parties.

We have seen, therefore, these successive methods of the selec-

tion and election of Presidential candidates—the untrammelled selection and election of candidates by the separate boards or “colleges” of Electors, appointed by State Legislatures, acting independently, each Elector voting for two candidates for President; the selection of candidates by Congressional caucus and election by appointed Electors; balloting separately for President and Vice-President; selection of Electors by popular vote; nomination of candidates by State conventions and Legislatures; nomination by national caucus; nomination by national convention. Thus, the whole intention of the framers of the Constitution has been swept away, with the sole purpose of giving the people fuller control of Presidential elections. There is no sanctity of tradition nor reverence of custom binding the people of to-day to the error of a century; especially since the people of former years corrected the error according to their lights, but corrected it only in part. Each change in the law as originally enforced fortifies the people of to-day in the earnest endeavor to make Presidential elections really popular, and tends to remove the feeling of many good citizens that to change this particular law would be almost treason. The evolution toward a really popular government has stopped at its most important stage.

It is worth while to consider some of the inequalities and crudities of the present law. Some time ago, in an article in the *NORTH AMERICAN REVIEW*, Bishop Merrill pointed out one of the greatest of these. This is, in substance, that the individual inhabitant of a State having thirty-six Electors exercises, in the choice of a President, twelve times the power of the individual voter residing in a State having only three Electors. In the one State each voter casts a ballot for thirty-six Electors; and, if his one vote decide the election, he will have won for his party twelve times as many Electors as the individual voter deciding the election in the other State could possibly win for his party. The illustration applies with the same force to one hundred voters, or to one thousand, as to one. Indeed, the Bishop could have gone further, and said that a hundred voters in New York could overthrow the electoral votes of ten States, without regard to the popular pluralities of those States. In fact, in 1884, six hundred votes taken from the Democratic candidate and given to the Republican would have put New York in the Republican column. It may, then, be said that six hundred voters in New York gave

that State to Cleveland. These six hundred votes outbalanced the electoral votes of eight States, with pluralities aggregating 110,000, and an electoral vote of 33. These States were: Colorado, Minnesota, Nebraska, Nevada, New Hampshire, Oregon, Rhode Island, Vermont. The fact is thus demonstrated that, in each State, the individual voter's elective power is augmented or curtailed by a law which does not recognize the individual as a potential factor in a national election.

To remedy this inequality, the Bishop suggests that Presidential Electors be voted for separately by Congressional districts, instead of by a State ballot; each Elector being chosen by the Congressional district in which he resides, irrespective of the candidacy or the political fortunes of other Electors in his State. On the surface this seems to promise the needed corrective; but in fact it falls short of the necessities. It would, it is true, give each Congressional district an Elector of its political suasion, and elect a President of the same political faith as the lower house of the Congress going into office with him. But, although this would be a real and appreciable step in the direction of a reform the need of which the framers of the Constitution could not have foreseen, it does not go far enough. It promises to remove inequalities and leave the citizen untrammelled in the selection of a President, making one man's vote as valuable and as determinative as the vote of any other man anywhere. But this work it cannot perform, for it cannot reach and destroy the gerrymander. In nearly, if not quite, every State in which the dominant political party has had the opportunity, the Congressional districts have been so arranged and manipulated that a small plurality of the State vote may be made to yield a large majority of Congressmen. The gerrymander is, in this way, a pattern and an annoying imitation of the electoral system. Bishop Merrill's plan, were it adopted, would be manifestly unable to change this, and, therefore, unable to remove inequalities or correct crudities in Presidential elections.

A study of the figures of Presidential elections shows that the successful candidate gets an electoral vote for a smaller number of popular votes than his defeated opponent; and that, in his majorities, the successful nominee gets an electoral vote for a ridiculously small number of popular ballots. It has been declared with more or less vehemence, but with a great deal of sophistry, that "what is good for one is good for another" in the

choosing of electoral boards. The truth is that what is bad for one is bad for the whole country, in that what can be improved and is not may often become the instrument of defeating the will of the people, and in a popular government it is difficult to conceive of a more sinister occurrence. The following table will illustrate how the electoral system sets the popular will at defiance and has defeated it:

CANDIDATES.	Popular vote.	Electoral vote.	Ratio of electoral to popular vote, 1 to —.	Popular plurality.	Ratio of electoral majority to popular plurality, 1 to —.	
1828—						
Jackson	647,231	178	3,636	133,134	95	1,453
Adams	509,097	83	6,134	....	....	....
1832—						
Jackson	687,502	219	3,139	157,313	170	925
Clay	530,189	49	10,820	....	....	....
1840—						
Harrison	1,275,017	234	5,449	146,315	174	841
Van Buren	1,128,702	60	13,811	....	....	....
1844—						
Polk	1,337,243	170	7,866	38,175	65	587
Clay	1,299,068	105	12,372	....	....	....
1848—						
Taylor	1,360,101	163	8,344	139,557	36	3,876
Cass	1,220,544	127	9,610	....	....	....
1852—						
Pierce	1,601,474	254	6,305	220,896	211	1,047
Scott	1,380,576	43	32,106	....	....	....
1856—						
Buchanan	1,838,169	174	10,564	496,905	60	8,281
Fremont	1,341,264	114	11,765	....	....	....
1860—						
Lincoln	1,866,352	180	10,368	491,195	168	2,924
Douglass	1,375,157	12	114,596	....	....	....
Breckinridge	845,736	72	11,746	....	....	....
Bell	589,581	39	15,117	....	....	....
1864—						
Lincoln	2,216,067	212	10,453	407,342	191	2,138
McClellan	1,808,725	21	86,129	....	....	....
1868—						
Grant	3,015,071	214	23,435	305,456	134	2,279
Seymour	2,709,615	80	33,870	....	....	....
1872—						
Grant	3,597,070	286	12,577	762,991	223	3,421
Greeley	2,834,079	63	44,985	....	....	....
1880—						
Garfield	4,449,053	214	20,790	7,018	59	119
Hancock	4,442,035	155	28,658	....	....	....
1884—						
Cleveland	4,911,017	219	22,425	62,683	37	1,694
Blaine	4,848,334	182	26,639	....	....	....
1888—						
Harrison	5,440,216	233	23,348	*	65	*
Cleveland	5,538,233	168	32,965	....	....	....
1892—						
Cleveland	5,556,918	277	20,061	380,810	132	2,885
Harrison	5,176,108	145	35,697	....	....	....
1896—						
McKinley	7,101,401	271	26,204	630,745	95	6,639
Bryan	6,470,656	176	36,765	....	....	....

The table begins with the vote of 1828, because there were no real elections by the people until 1824; and, as no candidate had a popular majority in that year, the House of Representatives

*Harrison did not have a popular plurality.

elected the President. In 1836, four Whigs ran against Van Buren, who won; the vote of the Whig party being thus dissipated, the election of that year is not included in the table. In 1860, Lincoln's closest competitor for the popular vote was Douglass; and Lincoln's popular and electoral votes are therefore compared with his. If, however, the reader be dissatisfied with this treatment of that election, the figures will show to him that Lincoln had a minority of 944,122 in the popular vote, and yet received 57 more electoral votes than all his opponents received. The figures for 1876 are omitted because, owing to the manner in which the election of that year was decided, they can be of no value here.

The table proclaims the failure of the electoral "college" system to give a method of electing the chief executive which can be depended upon to be fair and equitable at all times and under all circumstances. The case of Douglass, as illustrating its inequality, is an extreme one, it must be admitted, but one which, being recorded, is not beyond the possibility of repetition. That such a poor return of Electors for votes cast was shown to be possible should have been sufficient reason for a thorough change and improvement of election laws. But the significance of the result that year was unheeded; and, as a consequence, it was found possible, in 1876, by slight changes in the popular vote, to give an electoral majority to a candidate who even then was without a popular plurality. This was followed by the total collapse of the popular will and electoral "college" theory in 1888, when Cleveland, with a popular plurality of 98,017, was defeated by an electoral majority of 65. To sum it up: In every election the winning candidate receives more electors in proportion to his popular vote than the unsuccessful candidate; in every case, the proportion of popular votes necessary to win his excess of electoral votes is very small, and in every case the popular will, as represented by the popular vote, is enfeebled or wholly repudiated by the electoral choice. Here are the greatest inequalities of the present system, emphasizing its incompatibility with popular election of Presidents. For instance, how is it possible to harmonize the theory of equitable election laws, and the older theory of equal representation, with the fact that, in the contest of 1852, Pierce received one electoral vote for every 6,305 of popular votes, while for every 32,106 popular votes Scott got only one electoral vote? Or what more aptly illustrates the absurdity of the present system

than the election of 1860, when Lincoln received one electoral vote for each 10,368 popular votes, and Douglass got only one elector for every 114,596 votes?

It is apparent that the people are inclined to diminish the power of Electors, as shown in alterations in the conduct of elections; that the tendency of these alterations is toward a fuller exercise of individual rights by the people; that the present system, denuded though it be of some of its objectionable original garb, is still unsatisfactory; that it does not give the people the full enjoyment of suffrage which of right is theirs; that candidates as well as people are not equally represented in the electoral college, or are, because of the unfairness of the law, deprived of what, under a fair law, would be a victory. For such evils a remedy can be found only in an amendment of the Constitution which will do away with the electoral "college" and substitute for it a definite election by popular ballot. In no other way can there really be a government of the people, by the people, for the people. The popular ballot, untrammelled and unperverted by present Constitutional restrictions, will insure the election of the candidate receiving the highest number of votes. It will remove all the inequalities now complained of, but endured apathetically, and make the vote of the citizen of one State as potent as that of the citizen of another. It will make the most ingenious gerrymander powerless to affect the result. It will put the citizens of the small State on exactly the same footing as the citizens of the large State, without detriment to the interests of either. It will make the repetition of the returning-board episode unnecessary and impossible, and will prevent the election of a President by Congress, thus doubly assuring popular choice. It will check corruption, discourage vote buying, the concentration of vast sums of money for use in carrying certain desired States, put an end to colonizing for the same purpose, and to a great extent weaken, if not destroy, the vast system of blackmail now conducted under the name of campaign-fund contributions. Without a direct popular vote for President, a "government by the people" is somewhat mythical; with it we shall have a real republic.

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